

8/26/04

IFW ✓



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,120	12/30/2003	Richard Lennox Boyd	NOR-015CP2/286336.154

23483  
 HALE AND DORR, LLP  
 60 STATE STREET  
 BOSTON, MA 02109



CONFIRMATION NO. 3284

## FORMALITIES LETTER



\*OC000000012673080\*

Date Mailed: 05/14/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/26/2004 BSAYASII 00000065 080219 10749120

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 DA  
 02 FC:2051 65.00 DA  
 03 FC:2201 301.00 DA  
 04 FC:2202 324.00 DA  
 05 FC:2203 145.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1277 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1727 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$1277

- \$602 for 14 independent claims over 3.
- \$675 for 75 total claims over 20.

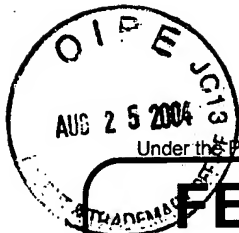
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

---

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



5

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,430.00

**Complete if Known**

Application Number	10/749,120
Filing Date	December 30, 2003
First Named Inventor	Boyd
Examiner Name	TBA
Art Unit	1645
Attorney Docket No.	NOR-015CP2 and 286336.154

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

08-0219

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ ) 385.00</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
56	-20** = 36	X 9	= 324
Independent Claims	10	-3** = 7	X 43 = 301
Multiple Dependent		145	= 145

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$ ) 770.00</b>

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ ) 275.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Ann-Louise Kerner, Ph.D.	Registration No. (Attorney/Agent)	33,523	Telephone	617-526-6000
Signature		Date	August 25, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form call 1-800-PTO-9199 and select option 2



5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket Nos. NOR-015CP2 and 286336.154)

In re Application of: Boyd et al. ) Examiner: Not Yet Assigned  
Serial No: 10/749,120 ) Art Unit: 1645  
Filed: December 30, 2003 )

For: DIAGNOSTIC INDICATOR OF THYMIC FUNCTION

\*\*\*\*\*

**CERTIFICATION OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that the attached papers are being deposited with the United States Postal Service as Express Mail (Label No. EV507048899US) under 37 C.F.R. § 1.10 addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

08/25/2004  
Date:

  
Amanda Ripley

\*\*\*\*\*

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**  
**Filed Under 37 C.F.R. 1.53(b)**

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, mailed May 14, 2004,  
Applicants submit the following documents for filing in the above-referenced patent application:

1. Copy of the Notice to File Missing Parts of Nonprovisional Application, mailed May 14, 2004;
2. Executed Declaration and Power of Attorney;
3. Copy of Petition to Correct Inventorship as Filed on August 17, 2004 (*as evidence of addition of Ann Patricia Chidgey as co-Inventor*);
4. Replacement Application Data Sheet;
5. Payment of \$65.00 Late Declaration Surcharge (*deposit account authorization on page 2*);
6. Payment of \$385.00 Basic Filing Fee (*deposit account authorization on page 2*);
7. Copy of Preliminary Amendment as Filed on August 13, 2004 (*as evidence of amended claims fees – see items 8 and 9 below*);
8. Payment of \$301.00 Excess Independent Claims Fee (*deposit account authorization on page 2*);

9. Payment of \$324.00 Excess Total Claims Fee (*deposit account authorization below*);
10. Payment of \$145.00 Multiple Dependent Claim Surcharge (*deposit account authorization below*);
11. Request for Two Months' Extension of Time Under 37 C.F.R. §1.136(a);
12. Payment of \$210.00 Extension Fee (*deposit account authorization below*);
13. Fee Calculation Sheet (Form PTO/SB/17);
14. Certificate of Express Mailing; and
15. Return Postcard.

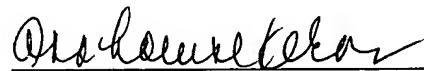
The Notice to File Missing Parts states that there are 14 independent claims over 3 and that there are 75 total claims over 20. Applicant has enclosed a copy of the Preliminary Amendment as filed on August 13, 2004 (*see item number 7 above*) and has calculated the claims fees due according to the amended claims (7 independent claims over 3 and 36 total claims over 20).

The fees identified in item numbers 5, 6, 8, 9, 10 and 12 of this Response are to be charged to Deposit Account No. 08-0219. Please also charge any additional fees that might be due to Deposit Account No. 08-0219.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: 8/25/04  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000  
(617) 526-5000 (Facsimile)

  
Ann-Louise Kerner, Ph.D.  
Reg. No. 33,523  
Attorney/Agent for Applicants